

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Additional Spectrum for Unlicensed Devices	)	ET Docket No. 02-380
Below 900 MHz and in the 3 GHz band	)	

**COMMENTS  
OF  
ATLANTIC TELECOMMUNICATIONS**

Atlantic Telecommunications (“Atlantic” or the “Company”), by its attorneys and in accordance with Section 1.415 of the Federal Communications Commission rules and regulations, respectfully submits its Comments in the above-captioned proceeding.<sup>1</sup>

Atlantic is a major provider of commercial two-way dispatch service in the New York metropolitan area. Its customers include taxicab companies, delivery operations, construction businesses, ambulance companies and other entities with large fleets that have a substantial need for cost-effective group call communications. These customers have elected not to subscribe to a consumer-oriented cellular-type system. The Company does not provide telephone interconnect capability or the wide-area capability that are standard on such systems. Instead, Atlantic designs and markets its systems to serve the needs of this specific customer base.

The great majority of the systems Atlantic operates utilize channels in the shared television-land mobile band at 470-512 MHz, the so-called “T-band” spectrum. As the FCC is aware, T-band is one of two bands in the New York market on which it is possible to secure channel exclusivity. The bands below 470 MHz are shared so intensively that it is not possible to satisfy the FCC’s requirements for claiming exclusive frequency use. The 800 MHz band,

with the exception of the public safety allocation, has been subsumed into the iDEN network operated by Nextel Communications, Inc. Therefore, T-band and 900 MHz are the only spectrum options for the types of customers Atlantic serves which typically are large fleets with intensive communications requirements.

The Company has a significant investment in this spectrum. It operates numerous systems at multiple transmitter locations, depending on the specific user coverage requirement. It purchased and owns the base station equipment used by these customers and also has purchased channels when needed to meet a particular user need. Its investment in T-band is substantial, as is the investment its customers have made in their own mobile and portable units. Thus, Atlantic has a direct interest in this Commission proceeding.

The Notice suggests that the FCC should permit unlicensed devices to operate on unused television spectrum including the T-band channels used by Atlantic and its customers. It claims that technology is or will be available that will enable these devices to detect and then avoid the transmissions of licensed systems like Atlantic's.

The FCC appears to base that conclusion on what it seemingly considers an entirely successful deployment of unlicensed devices in the 2.4 and 5.8 GHz bands. The Company cannot confirm or refute the Commission's assessment, although it has heard anecdotal information suggesting that there are "renegade" operators even in those bands, operators with equipment that does not meet the FCC's technical specifications. The fact that they are unlicensed, of course, makes it more difficult for affected users to identify them or the FCC to stop them, a problem that may escalate as more wireless LANs are implemented.

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<sup>1</sup> *Notice of Inquiry*, ET Docket No. 02-380, FCC 02-328 (rel. Dec. 20, 2002) ("NOI" or "Notice").

But even if the evaluation of those bands is correct, the comments on this issue in response to the discussion in the recent Spectrum Policy Task Force report suggest that the complexities involved in allowing such devices in a band populated by numerous, transient mobile/portable devices transmitting intermittently should not be underestimated. The FCC may be correct that the devices would hear and avoid a megawatt broadcast station that transmits continuously. The result may be different if they have to avoid interfering with a .6 watt portable that is being used while in transmit in a vehicle. Technology may develop sufficient “smarts” to allow these systems to use the same spectrum without interference, but there is nothing to indicate that it is close enough to devote FCC attention to this subject.

The Company is particularly concerned about this proposal because it sees no realistic way of combating the problem if it occurs. How would an entity like Atlantic be able to identify an interfering unlicensed device, which has no call sign or transmitter location? The FCC’s enthusiasm is at least in part a reflection of its expectation that such devices could serve multiple functions, both fixed and itinerant. Even if Atlantic, or a company like it, was willing to devote substantial time and expense to track down the offending device, it is not clear what steps it should take in the unlikely event it finds it. The interference is probably a function of the equipment rather than the operator, so resolving one interference situation is at best a temporary solution.

For these reasons, Atlantic urges the FCC not to proceed with this proposal unless and until it has been demonstrated that introducing these opportunistic devices into the T-band will not result in destructive interference to existing licensees.

Respectfully submitted,

# Atlantic Telecommunications

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